

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF OCTOBER 14 AND 15, 2009
South Lake Tahoe**

ITEM: 8

SUBJECT: **RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE TAHOE KEYS MITIGATION FUND FOR THE CALIFORNIA TAHOE CONSERVANCY'S UPPER TRUCKEE RIVER SUNSET STABLES REACH 6 RESTORATION PROJECT**

CHRONOLOGY:

<u>Date</u>	<u>Action</u>
1982	Water Board adopted Resolution No. 82-8 requiring payment of a \$4000 mitigation fee for each new lot developed within the Tahoe Keys development.
1992	Memorandum of Understanding signed by Lahontan Water Board Executive Officer, Tahoe Regional Planning Agency Executive Director and the Secretary of the Resources Agency outlining the process for disbursing the mitigation funds.
1993	Water Board allocated funds to the Tahoe Conservancy Cove East Restoration project and the USFS Pope Marsh Prescribed Fire project.
1998	Water Board allocated funds to El Dorado County Pioneer Trail Erosion Control project, State Parks Angora Creek Restoration project, Tahoe Conservancy Lower West Side Upper Truckee River project, and City of South Lake Tahoe Trout Creek Restoration project.

ISSUE: Should the Water Board allocate the remaining unallocated funds including interest to the Tahoe Conservancy for the Upper Truckee River Sunset Stables Reach 6 Restoration project?

DISCUSSION: Since 1982, the Water Board and Resources Agency have been collecting (through the Tahoe Regional Planning Agency) \$4000 mitigation fee for every lot developed within the Tahoe Keys Subdivision. Pursuant to Water Board Resolution No. 82-8, the fees are to be directed to construction of projects that reduce nutrient loading to Lake Tahoe.

The Water Board has authorized expenditures for six restoration and water quality improvement projects totaling over \$2.5 million.

08-0001

As described in the enclosed proposed resolution, all of these projects have been completed. The current balance of the fund is approximately \$353,660.

The California Tahoe Conservancy has requested (Enclosure 2) the remainder of the funds be allocated to the final design and construction plans for the Upper Truckee River Sunset Stables Reach 6 Restoration project. The proposed project consists of construction of a new channel that will reconnect the river with its historic floodplain. This objective will be achieved by construction of 6,000 feet of new river channel, planting native wetland vegetation, and allowing the river flows to spread more frequently out over the historic Upper Truckee floodplain thereby removing fine sediment and nutrients. The project's estimated costs are over \$6 million. The Tahoe Conservancy has received \$4.9 million from the U.S. Army Corps of Engineers and will provide the remaining funds with other Tahoe Conservancy fund sources.

The proposed resolution reserves the remainder of the Tahoe Keys Mitigation Fund including any new contributions and accruing interest for this project. The proposed resolution was circulated to interested persons and agencies. No comments were received.

**RECOMMEN-
DATION:**

Adoption of the Resolution as proposed.

Enclosures:

1. Proposed Resolution
2. July 9, 2009 Request from the Tahoe Conservancy

08-0002

ENCLOSURE 1

08-0003

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T 2009-(PROPOSED)

EXPENDITURE OF FUNDS FROM THE TAHOE KEYS MITIGATION FUND
FOR THE CALIFORNIA TAHOE CONSERVANCY'S
UPPER TRUCKEE RIVER SUNSET STABLES REACH 6 RESTORATION PROJECT

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (hereinafter Water Board) finds:

1. On May 13, 1982, the Water Board adopted Resolution No. 82-8. This Resolution designated a significant portion of the Tahoe Keys development a man-modified stream environment zone, thereby allowing additional development on the subdivided lots in the area.
2. Resolved Number 10 of Resolution No. 82-8 required payment of a \$4,000 fee per new lot developed. The fee is used for the construction of projects within the Lake Tahoe Basin to achieve a net reduction of nutrients equivalent to that generated by the Tahoe Keys development. The Water Board determined that this mitigation could be accomplished within the Tahoe Keys development and/or at other locations within the Lake Tahoe Basin. The current balance of the fund is approximately \$353,660.
3. In 1993 and 1998, the Water Board authorized several projects within the Upper Truckee River Hydrologic Unit. In 1993, funds were allocated to the California Tahoe Conservancy for planning and design of the Cove East project and to the U.S. Forest Service for Pope Marsh prescribed fire project. On January 29, 1998, the Water Board requested various agencies and organizations to submit project proposals for funding from the Tahoe Keys Mitigation Fund (balance at the time was \$1.5 million). Project proponents were required to describe how the project benefits water quality, specifically, how the proposed project would mitigate for the loss of the natural treatment capacity of the Truckee Marsh due to construction of the Tahoe Keys development.
4. Based on the submittals, the Water Board reviewed, summarized and evaluated the various projects using the following criteria:
 - a. water quality benefits
 - b. need of land acquisition
 - c. use of demonstrated technology
 - d. assurance of timely completion/implementation
 - e. availability of matching funds
 - f. interagency cooperation
 - g. life of project/operation and maintenance costs
 - h. whether the project has been identified in the Tahoe Regional Planning Agency's (TRPA) Environmental Improvement Program

08-0004

5. In 1998, the Water Board authorized funds for four projects:
 - a. El Dorado County Pioneer Trail Erosion Control Project (\$185,000)
 - b. California State Parks Angora Creek Restoration Project (\$110,000)
 - c. California Tahoe Conservancy Lower West Side Upper Truckee River Project (\$699,000)
 - d. City of South Lake Tahoe Trout Creek Restoration Project (\$1.2 million)
6. In 1998, the Water Board authorized all remaining interest available to be granted to the City of South Lake Tahoe for the Trout Creek Project. The City completed the project and expended a total of \$1.45 million of the Tahoe Keys Mitigation Fund.
7. As of September 2009, the Tahoe Keys Mitigation Fund contained \$353,660 and continues to accrue interest. All projects authorized for funding have been completed and compensated from the Fund.
8. On July 9, 2009, the California Tahoe Conservancy submitted a request that the remaining balance of the Tahoe Keys Mitigation Fund be allocated to the Sunset Stables Reach 6 project. The California Tahoe Conservancy has evaluated several alternative designs for construction of a new river channel for Sunset Stables Reach 6 of the Upper Truckee River restoration project and is ready to complete final plans for construction of this restoration project. The California Tahoe Conservancy is proposing to use the Tahoe Keys Mitigation Fund monies to pay for final design of the new channel on Sunset Stables Reach 6 portion of the Upper Truckee River.
9. The project fully meets the intent of Resolution No. 82-8. The project is also identified as a Priority 1 in TRPA's Environmental Improvement Program.
10. The Upper Truckee River Sunset Stables Reach 6 Restoration Project is intended to partially mitigate adverse water quality impacts generated by the Tahoe Keys development. The proposed project consists of construction of a new channel that will reconnect the river with its historic floodplain. This objective will be achieved by construction of 6,000 feet of new river channel, planting native wetland vegetation, and allowing the river flows to spread more frequently out over the historic Upper Truckee floodplain thereby removing fine sediment and nutrients. The cost estimate for construction is approximately \$6 million. The California Tahoe Conservancy will enter into an agreement with the US Army Corps of Engineers under its Section 108 process to provide \$4,892,550 toward the construction of the project. The remaining funding would come from California Tahoe Conservancy sources.
11. The California Tahoe Conservancy has committed to monitor the project as part of its on-going management of property it controls as a state agency. The California Tahoe Conservancy will propose a monitoring plan to evaluate effectiveness of project to improve water quality. The monitoring will continue over a five year period.

- 12. Final approval of funding from the Tahoe Keys Mitigation Fund is conditioned upon approval by the Secretary of the California Resources Agency.

THEREFORE BE IT RESOLVED THAT:

- 1. The Water Board will reserve \$ 353,660 plus new contributions and accruing interest in the Tahoe Keys Mitigation Fund for the final project design for the California Tahoe Conservancy's Upper Truckee River Sunset Stables Reach 6 Restoration Project. The California Tahoe Conservancy commits to the following work products:

<u>TASK</u>	<u>ESTIMATED COMPLETION DATE</u>
a. Complete Final Environmental Document	June 2010
b. Complete 90% Plans and apply for necessary permits	June 2011
c. Submit Monitoring Plan	June 2011
d. Complete Final Plans	Sept. 2011

- 2. The Water Board authorizes the Executive Officer to enter into an agreement with the California Tahoe Conservancy to fund the Upper Truckee River Sunset Stables Reach 6 Restoration Project.
- 3. The Water Board will continue to collect the mitigation fee of \$4,000 per vacant lot to be developed within the Tahoe Keys development as required in Resolution No. 82-8.
- 4. The Water Board will consider releasing the monies reserved in Resolved No. 1., above, once the project proponent completes the required work products. The Water Board will consider reallocating the monies reserved in Resolved No. 1., above, if it finds that the project proponent is unwilling or unable to complete the proposed project or if these projects are not approved for funding by the Secretary of the Resources Agency.
- 5. This action is being taken pursuant to the provisions of Water Board Resolution No. 82-8. Resolved No. 10 of Resolution 82-8 established the Tahoe Keys Mitigation Fund, and specified that the funds collected be used for the construction of projects within the Lake Tahoe Basin to achieve a net reduction of nutrients equivalent to that generated by the Tahoe Keys development.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on October 14, 2009.

HAROLD J. SINGER
EXECUTIVE OFFICER

ENCLOSURE 2

08-0007

CALIFORNIA TAHOE CONSERVANCY

1061 Third Street
SOUTH LAKE TAHOE, CA 96150
(530) 542-5580



July 9, 2009

Laurie Kemper
Division Manager, North Lahontan Watersheds Division
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Dear Laurie:

The information being submitted is to request that the entire remaining balance of the Tahoe Keys Mitigation be allocated to fund the final design work for the Upper Truckee River Sunset Stables Reach 6 SEZ Restoration Project. Included with this letter are drafts on the staff report, resolution, and a map showing the project area for the Sunset Stables Reach 6 restoration project. This funding will be critical to moving this project to final design due to the funding constraints from the traditional bond funding sources.

The project is at the 50% design level, a preferred alternative has been chosen and is in the middle of the environmental document development process. The plan is to complete the final environmental documents by December 2009 and take them to the Conservancy Board at the December meeting for certification and authorization to take the project to final design and construction. The project will then be taken to the California Public Works Board for authorization to proceed to final design and construction.

The cost estimate for Reach 6 construction is about \$6 million. The Conservancy is in the process of developing an agreement with the US Army Corps of Engineers under its Section 108 process to provide \$4,892,550 toward the construction of the project. The additional \$1.1 million in funding would come from Conservancy sources, and grant funding from the California Wildlife Conservation Board.

The project should be completed in three phases, including the first two years of channel construction and re-vegetation, with the tie-in and diversion of the Upper Truckee River into the new channel and filling of the old channel happening in the third year. The exact allocation of the funding to the individual phases is not determined at this time and will probably not be known in detail until the completion of the final design plans.

08-0008

The budget break down at this point for the Reach 6 project is as follows:

Planning/Design	\$1,537,777
Construction	\$6,000,000
Monitoring	\$ 450,000
Total	\$7,987,775

The \$ 389,807 in funding from the TK Mitigation Project would provide about 5% of the total cost of the project but would provide a critical source of funding for the project which may be difficult to obtain from other sources.

Let me know if you have additional questions or need more information about this project.

Sincerely,

Joe Pepi
Watershed/SEZ Program Coordinator
Upper Truckee River Sunset Stables Project Manager